

1 SHANNON LISS-RIORDAN, Mass. BBO #640716, sliss@llrlaw.com (*Pro Hac Vice*)
HILLARY SCHWAB, Mass. BBO #666029, hschwab@llrlaw.com (*Pro Hac Vice*)
2 LICHTEN & LISS-RIORDAN, P.C.
100 Cambridge Street, 20th Floor
Boston, MA 02114
3 Telephone: 617.994.5800
Facsimile: 617.994.5801

4 MONIQUE OLIVIER, Cal. Bar #190385, monique@dplolaw.com
5 DUCKWORTH PETERS LEBOWITZ OLIVIER LLP
100 Bush Street, Suite 1800
6 San Francisco, CA 94104
Telephone: 415.433.0333
Facsimile: 415.449.6556
7 *Local Counsel*

8 Attorneys for Objector Amrit Singh

9
10 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA

11
12 SABRINA LAGUNA, an individual;
13 CARLOS ACEVEDO, an individual;
14 TERESA SALAS, an individual; and
ROES 3-50 on behalf of themselves and in
a representative capacity for all others
similarly situated,

15 Plaintiffs,

16 v.

17
18 COVERALL NORTH AMERICA, INC.,
a Delaware corporation, ALLIED
19 CAPITAL CORPORATION, a Maryland
Corporation; ARES CAPITAL
20 CORPORATION, a Maryland corporation;
CNA HOLDING CORPORATION, a
21 Delaware Corporation; TED ELLIOTT, an
Individual; DOES 5-50 inclusive,

22 Defendants.

23 } CASE NO. 3:09-CV-02131-JM (BGS)
(Assigned to Hon. Jeffrey T. Miller
and Hon. Bernard G. Skomal)

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25 **NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT
OF AMRIT SINGH'S
OBJECTION TO CLASS ACTION
SETTLEMENT**

26 Complaint Filed: August 3, 2008
Discovery Cutoff: February 1, 2011
Trial Date: February 27, 2012

1 Objector Amrit Singh respectfully submits this Notice of Supplemental Authority in support
 2 of his Objection to Class Action Settlement (Docket No. 253) to bring to the Court's attention an
 3 order that was entered today by the Honorable Samuel Conti in the case of Juarez et al. v. Jani-King
 4 of California, Inc., Case No. 09-03495 (N.D. Cal. Feb. 16, 2012). In that Order (attached here as
 5 Exhibit A), Judge Conti granted Plaintiffs' Motion for Certification Pursuant to 28 U.S.C. § 1292(b)
 6 and Staying Further Proceedings Pending Appeal. Judge Conti thus certified to the Ninth Circuit the
 7 issue of whether "janitorial franchisees" were misclassified as independent contractors. The court
 8 found "that there is substantial ground for difference of opinion" on the issue of whether Cislaw v.
 9 Southland Corporation, 4 Cal.App.4th 1284 (Cal.Ct.App. 1992), applies to the plaintiff franchisees'
 10 Labor Code claims and noted that "[c]ourts in other states have reached different conclusions as to
 11 what test should apply to employment classification claims brought in the franchise context," Juarez
 12 (Exhibit A), at 3 (citing Hayes v. Enmon Enters., LLC, 10-CV-00382, 2011 U.S. Dist. LEXIS 66736
 13 (S.D. Miss. June 22, 2011); Awuah v. Coverall N. Am. Inc., 707 F.Supp.2d 80 (D.Mass. 2010);
 14 Coverall N. Am. Inc. v. Division of Unemployment Assistance, 447 Mass. 852 (2006)), and also
 15 citing the Ninth Circuit's recent decision in Ruiz v. Affinity Logistics Corp., -- F.3d --, 2012 U.S.
 16 App. LEXIS 2450, at *9 (9th Cir. Feb. 8, 2012).

20 Given that the parties in this case have relied heavily on Judge Conti's rulings in Jani-King to
 21 argue that the plaintiffs in this case could not prevail on their claims that they were misclassified as
 22 independent contractors, this development is particularly noteworthy to the current dispute.
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2 Dated: February 16, 2012

AMRIT SINGH
3 By his attorneys,

4 /s/ Shannon Liss-Riordan

5 Shannon Liss-Riordan, Mass. BBO #640716 (*Pro Hac Vice*)
6 Hillary Schwab, Mass. BBO #666029 (*Pro Hac Vice*)
7 LICHTEN & LISS-RIORDAN, P.C.
8 100 Cambridge Street, 20th Floor
9 Boston, MA 02114
10 (617) 994-5800